

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

KRISTOPHER LAMBRIGHT,

Plaintiff,

v.

EDWARD VAZQUEZ, et al.,

Defendants.

CAUSE NO.: 3:18-CV-514-RLM-MGG

OPINION AND ORDER

Kristopher Lambright, a prisoner without a lawyer, signed an amended complaint on November 1, 2018, alleging that seven defendants had denied him access to the courts. ECF 11. The court found that the complaint didn't state a claim upon which relief could be granted, but gave Mr. Lambright time to "file another amended complaint if he has additional facts which were omitted from this amended complaint." *Id.* at 5. When Mr. Lambright asked for additional time to file an amended complaint because he had been unable to go to the law library to investigate several new claims, he was told "[t]he facts he needs to add are not in the law library." ECF 17 at 1. He was reminded, "[h]e was only granted leave to amend in this case to add omitted facts for the claims he has already raised." *Id.*

In May 2019, he filed two amended complaints. ECF 18 and 19. In response, the court alerted him:

"[W]hen a plaintiff files an amended complaint, the new complaint supersedes all previous complaints and controls the case from that point forward [b]ecause a plaintiff's new complaint wipes

away prior pleadings . . .” *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999). However, it doesn’t appear that is what Mr. Lambright intended when he filed ECF 19 because it names only one defendant whom it appears he is trying to add to his prior amended complaint. Under N.D. Ind. L.R. 15-1(b), this isn’t permitted. Mr. Lambright must file a single document containing all of the claims he is trying to raise in this lawsuit. He will be given time to do so, but if he doesn’t, the court will screen only his most recent complaint (ECF 19) which lists only one defendant.

ECF 21 at 1. A few weeks later, he wrote asking for copies of documents from this case because his had been lost. ECF 22. The court directed the clerk to send him copies of the documents necessary to prepare an amended complaint. Then it ordered:

The deadline to file an amended complaint is ENLARGED to **July 31, 2019**. He is REMINDED the amended complaint in this case is limited to adding additional facts about the claims previously raised in his prior complaint (ECF 11). If he wishes to add any new claims, those must be raised in a separate lawsuit. He is REMINDED if he does not respond by the deadline, the court will screen the last amended complaint (ECF 19) he filed on May 14, 2019.

ECF 23 at 2 (emphasis in original).

Mr. Lambright has now filed a new amended complaint stating the events raised in it occurred from “November 2, 2018, to present.” ECF 24 at 1. In the body of the complaint he describes various events – all of which occurred on or after November 2, 2018. *Id.* at 3-11. All of the events in the new amended complaint occurred after November 1, 2018, when he signed the previously screened amended complaint. See ECF 11 at 9. As repeatedly explained, the previously screened complaint didn’t state a claim upon which relief could be granted, and he was granted leave to file an amended complaint only to add omitted facts about those previously raised claims. He hasn’t done that. None of

the facts in this new amended complaint were left out of the screened complaint – none of them had happened yet. Mr. Lambright’s effort to present new claims that arose after he filed the prior complaint doesn’t cure the problems with the case he originally filed. As the court explained before, “if he has new claims he wants to pursue, they belong in a new lawsuit. He was only granted leave to amend in this case to add omitted facts for the claims he has already raised.” ECF 17 at 1. Therefore this case must be dismissed.

For these reasons, this case is DISMISSED pursuant to 28 U.S.C. § 1915A.

SO ORDERED on August 14, 2019

s/ Robert L. Miller, Jr.  
JUDGE  
UNITED STATES DISTRICT COURT